

## STATE OF MINNESOTA

## EIGHTY-SECOND SESSION — 2002

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 EIGHTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 18, 2002

The House of Representatives convened at 1:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Father Dave McCauley, St. Ambrose of Woodbury, Woodbury, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorman	Holsten	Leppik	Ozment	Swapinski
Abrams	Dorn	Howes	Lieder	Paulsen	Swenson
Anderson, B.	Eastlund	Huntley	Lindner	Pawlenty	Sykora
Anderson, I.	Entenza	Jacobson	Lipman	Paymar	Thompson
Bakk	Erhardt	Jaros	Mahoney	Pelowski	Tingelstad
Bernardy	Erickson	Jennings	Mares	Penas	Tuma
Biernat	Evans	Johnson, J.	Mariani	Peterson	Vandever
Bishop	Finseth	Johnson, R.	Marko	Pugh	Wagenius
Blaine	Folliard	Johnson, S.	Marquart	Rhodes	Walker
Boudreau	Fuller	Jordan	McElroy	Rifenberg	Walz
Bradley	Gerlach	Juhnke	McGuire	Rukavina	Wasiluk
Buesgens	Gleason	Kahn	Milbert	Ruth	Westerberg
Carlson	Goodno	Kalis	Molnau	Schumacher	Westrom
Cassell	Goodwin	Kelliher	Mulder	Seagren	Wilkin
Clark, J.	Gray	Kielkucki	Mullery	Seifert	Winter
Clark, K.	Greiling	Knoblach	Murphy	Sertich	Wolf
Daggett	Gunther	Koskinen	Ness	Skoe	Spk. Sviggum
Davids	Haas	Krinkie	Nornes	Skoglund	
Davnie	Hackbarth	Kubly	Olson	Slawik	
Dawkins	Harder	Kuisle	Opatz	Smith	
Dehler	Hilstrom	Larson	Osskopp	Solberg	
Dempsey	Hilty	Leighton	Osthoff	Stanek	
Dibble	Holberg	Lenczewski	Otremba	Stang	

A quorum was present.

Hausman was excused.

Workman was excused until 2:05 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Gleason moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 13, 2002

The Honorable Steve Sviggum  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 2695, relating to retirement; correcting Minneapolis firefighters relief association provisions; amending certain administrative procedures.

H. F. No. 58, relating to alcoholic beverages; prescribing standards for identification of beer kegs; requiring retailers of beer to maintain records of sale of beer kegs and to record the identification number of each beer keg sold; prescribing penalties.

H. F. No. 3190, relating to corrections; requiring the juvenile court to send data relating to juvenile petitions to the statewide supervision system.

Sincerely,

JESSE VENTURA  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 14, 2002

The Honorable Steve Sviggum  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 2783, relating to insurance; no-fault auto; regulating residual liability coverage.

H. F. No. 1189, relating to annexation; providing for the election of municipal council members after certain annexations.

H. F. No. 1620, relating to annexation; strengthening the effect of an orderly annexation agreement.

H. F. No. 2987, relating to Cook county; authorizing the county to convey the Mineral Center cemetery to the Grand Portage Reservation.

H. F. No. 3202, relating to the city of Delano; increasing its public utilities commission from three to five members.

H. F. No. 2629, relating to professions; allowing retired individuals licensed by the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design to use a retired professional designation.

H. F. No. 3309, relating to health; modifying provisions of licensed beds on layaway status.

H. F. No. 2637, relating to towns; providing for temporary officeholders.

H. F. No. 3344, relating to courts; authorizing a combined jurisdiction program in the second and fourth judicial districts.

H. F. No. 3296, relating to state employment; shifting social security administrative duties from the department of employee relations to the public employees retirement association; classifying data on employee's dependents as private.

Sincerely,

JESSE VENTURA  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
2573		230	4:56 p.m. March 13	March 13
	2695	231	4:56 p.m. March 13	March 13
	58	232	4:57 p.m. March 13	March 13

3190	233	4:57 p.m. March 13	March 13
2783	234	3:03 p.m. March 14	March 14
1189	235	3:07 p.m. March 14	March 14
1620	236	3:07 p.m. March 14	March 14
2987	237	3:05 p.m. March 14	March 14
3202	238	3:05 p.m. March 14	March 14
2629	239	3:09 p.m. March 14	March 14
3309	240	3:02 p.m. March 14	March 14
2637	241	3:06 p.m. March 14	March 14
3344	242	3:10 p.m. March 14	March 14
3296	243	3:10 p.m. March 14	March 14

Sincerely,

MARY KIFFMEYER  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Abrams from the Committee on Taxes to which was referred:

H. F. No. 2214, A bill for an act relating to a stadium; financing a major league professional baseball stadium; requiring private funding; providing for an interest-free loan; providing for a temporary tax-free zone on certain retail sales; creating a site selection commission; providing for the issuance of bonds; providing for disposition of the metrodome and the land it occupies under certain conditions; transferring funds from the assigned risk plan; requiring enhanced revenue sharing by major league baseball for act to take effect; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.67, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 4A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [240B.01] [DEFINITIONS.]

(a) For purposes of this chapter, the following terms have the meanings given them.

(b) "Account" means the sports facilities account established under section 240B.03.

(c) "Commission" means the Minnesota sports facilities commission established under section 240B.02.

(d) "City" means a statutory or home rule charter city that contains or is designated by the commission to be the site for a sports facility.

(e) "Sports facility" or "sports facilities" means a baseball park for a major league baseball franchise, a football stadium for a national football league franchise, an arena for a national basketball association franchise, and an arena for a national hockey league franchise.

Sec. 2. [240B.02] [MINNESOTA SPORTS FACILITIES COMMISSION.]

Subdivision 1. [CREATION.] A Minnesota sports facilities commission is created to study the need for and to assist in the financing of professional and other sports facilities in the state. The commission consists of nine members, three appointed by the governor, three by the speaker of the house of representatives, and three by the subcommittee on committees of the senate committee on rules and administration.

Subd. 2. [ORGANIZATION.] The commission shall elect its chair and may hire an executive director and other staff as it determines necessary and appropriate to carry out the duties under this chapter. The commission may enter into contracts with vendors to provide services to carry out its duties. The commission is not subject to the restrictions on hiring new employees or entering contracts under Laws 2002, chapter 220, article 10, sections 37 and 38.

Subd. 3. [DUTIES.] The commission has the following powers and duties:

(1) to study the feasibility and appropriateness of providing financing for professional sports facilities in the state of Minnesota, including a baseball park for a major league baseball franchise and a football stadium for a national football league franchise, as well as maintenance of and improvements to the facilities for franchises of the national hockey league and national basketball association;

(2) to provide financial assistance for the acquisition, construction, or improvement of sports facilities in Minnesota by making payments from the sports facilities account established under section 240B.03 to cities that own and operate sports facilities;

(3) to conduct an advisory referendum on the question of whether the state should assist in the construction of a major league baseball park, as provided under section 240B.04; and

(4) to select a site for a baseball park, if it determines it is appropriate for the state to assist in financing a major league baseball park.

Subd. 4. [TRANSFER FROM METROPOLITAN SPORTS FACILITIES COMMISSION.] The metropolitan sports facilities commission shall transfer to the commission \$1,000,000 from its accumulated reserves for deposit in the sports facilities account. The commissioner shall repay the metropolitan sports facilities commission as other money becomes available in the sports facilities account under section 240B.03.

Sec. 3. [240B.03] [SPORTS FACILITIES ACCOUNT.]

(a) A sports facilities account is established in the general fund. Receipts from the tax imposed by section 7 are deposited in the account. Amounts in the account are appropriated to the commission to pay the costs of its operations during fiscal year 2003. Any costs of the commission for its operations after fiscal year 2003 are subject to appropriation by law. This requirement does not apply to payments made under paragraph (b).

(b) The commission may enter an agreement with the city selected under section 240B.04 as the location for a baseball park to make payments out of money in the sports facilities accounts. These payments must be used to pay bonds issued by the city to finance the baseball park to the extent that facility and local tax revenues for that purpose are insufficient. An amount sufficient to make these payments is appropriated from the account to the commission. The amount of this appropriation is limited to the money in the account.

(c) Money in the account may also be used to pay for financial assistance to construct a football stadium and to make improvements to other sports facilities.

## Sec. 4. [240B.04] [BASEBALL PARK.]

Subdivision 1. [ADVISORY REFERENDUM.] (a) The commission shall conduct an advisory referendum on the question of whether the state should assist in financing a major league baseball park and other sports facilities by imposing the sales tax collected under chapter 297A on sales of newspapers and magazines. This referendum must be held at the 2002 primary election.

(b) The form of the question is:

"Shall the state impose the sales tax on purchases of newspapers and subscriptions to magazines to help finance the construction of a baseball park for major league baseball and other facilities for sports in Minnesota?"

Yes .....  
No ....."

Subd. 2. [DETERMINATION OF WHETHER TO PROVIDE STATE FINANCING.] (a) On or before November 1, 2002, the commission shall determine whether to proceed with selecting a site and providing state financial assistance for a new major league baseball park. In making this determination, the commission must consider:

(1) the economic costs to the state and local governments of providing the financial assistance; and

(2) the public benefits of retaining major league baseball in Minnesota, including the value assigned by the public to the intangible community benefits of having a major league baseball franchise based in Minnesota.

(b) In evaluating the existence and magnitude of the intangible benefits under paragraph (a), clause (2), the commission may consider any available evidence, including the results of the advisory referendum conducted under subdivision 1. The commission may also conduct a scientific survey of Minnesota residents to evaluate the existence and amount of these intangible benefits.

(c) If the commission determines not to proceed with providing financial assistance for construction of a baseball park, it shall inform the commissioner of revenue that the provisions of section 7 are not effective.

Subd. 3. [SITE SELECTION.] (a) If the commission determines that it is appropriate to finance a baseball park under subdivision 2, it shall select a city to provide a site for the new baseball park.

(b) The required elements of the selection process are:

(1) the commission shall accept bids from any interested city within the metropolitan area, as defined in section 473.121, subdivision 2;

(2) acceptable bids must provide, at a maximum, for the provision of land for a site that is of adequate size for the baseball park and adjacent parking facilities to be made available to the team;

(3) the site must be in a condition appropriate for development;

(4) the bid must specify the intent of the city to own and operate the baseball park and demonstrate a reasonable capacity to do so;

(5) in selecting a site, the commission shall consider, at least the following:

(i) the adequacy of the size of the site relative to the preferred design for the baseball park;

(ii) the adequacy of existing public infrastructure serving the site, including parking and highway, road, and transit access to meet the demands created by events at the baseball park in combination with other uses or events in the area that create traffic, transit, and parking demands;

(iii) the cost of any likely infrastructure improvements for the facility;

(iv) potential development advantages including development of compatible mixed use, commercial, and housing developments in the area surrounding the baseball park;

(v) compatibility of surrounding uses with the baseball park; and

(vi) appropriate aesthetic considerations.

Subd. 4. [PRECONDITIONS FOR AGREEMENT.] Before the commission may enter an agreement with the city selected as the location for the baseball park to make payments under section 240B.03, paragraph (b), the commission must determine that:

(1) all of the requirements of sections 10 to 12 have been met by the city, the team, and major league baseball;

(2) the pledged facility and local tax revenues will be sufficient to pay the debt service on the bonds when the baseball park is in operation; and

(3) the city has established a baseball park improvement district to foster the development and continuing growth of compact, pedestrian-oriented, compatible mixed uses within buildings and blocks around the baseball park.

Sec. 5. [240B.05] [SALE OF BASEBALL FRANCHISE.]

Subdivision 1. [APPLICATION.] As a condition of the state assistance under section 240B.04, the owner of the major league professional baseball team must agree that before the owner sells a majority ownership interest in the team, the owner will attempt for a reasonable time to comply with subdivision 2 or 3.

Subd. 2. [COMMUNITY OWNERSHIP.] The owner of the team must work with the governor, the chair of the commission, and a community foundation or corporation on a plan to:

(1) transfer by gift to the foundation or corporation all ownership interests in the team;

(2) provide for sale of shares in the team by the foundation or corporation to the community, in a manner such that up to 49 percent of the voting stock may be dispersed so that no person owns more than five percent; and

(3) ensure that the franchise may not move from Minnesota without approval of three-fourths percent of the shares of voting stock.

Subd. 3. [LOCAL PRIVATE OWNERSHIP.] The owner of the team must attempt to reach an agreement on the sale of a majority interest in the team to one or more Minnesota buyers before attempting to sell the majority interest to others.

Subd. 4. [REPORT.] If the owner of the team attempts to sell a majority interest in the team, the chair of the commission must report to the legislature at the beginning of the next legislative session on efforts to work with the owner of the team to implement this section.

Sec. 6. Minnesota Statutes 2000, section 272.02, is amended by adding a subdivision to read:

Subd. 50. [BASEBALL PARK.] Real or personal property acquired, owned, leased, controlled, used, or occupied as a baseball park by a major league professional baseball team is exempt from taxation but the property is subject to special assessments levied by a political subdivision under chapter 429. The baseball park includes parking

facilities and land necessary to and part of the use of the baseball park. A use of the property in any manner different from its use as a baseball park must not be considered in determining the special benefit under chapter 429 received by the properties. Notwithstanding section 272.01, subdivision 2, or 273.19, real or personal property on the premises of the baseball park leased by the city that operates the baseball park to another person or entity for uses directly related to the operation of the baseball park is exempt from taxation regardless of the length of the lease. This subdivision expires one month after repayment of the bonds issued to finance the baseball park.

Sec. 7. Minnesota Statutes 2000, section 297A.68, subdivision 10, is amended to read:

Subd. 10. [PUBLICATIONS; PUBLICATION MATERIALS.] Tangible personal property that is used or consumed in producing any publication regularly issued at average intervals not exceeding three months is exempt, and any such publication is exempt, provided that the publication is not sold at retail. "Publication" includes, but is not limited to, a qualified newspaper as defined by section 331A.02, ~~together with any supplements or enclosures.~~ "Publication" does not include magazines and, periodicals sold over the counter, and shoppers guides. Tangible personal property that is used or consumed in producing a publication does not include machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture, and fixtures used in the publication, or fuel, electricity, gas, or steam used for space heating or lighting.

Advertising contained in a publication is a nontaxable service and is exempt. Persons who publish or sell newspapers are engaging in a nontaxable service with respect to gross receipts realized from ~~such news-gathering or news-publishing activities, including~~ the sale of advertising. Supplements and enclosures to a newspaper are exempt provided that they are not also sold separately at retail.

[EFFECTIVE DATE.] This section is effective for sales made after June 30, 2003, but takes effect only if the Minnesota sports facilities commission determines to assist in the financing of a baseball park. If the commission determines not to assist in the financing by March 1, 2003, under the process and criteria in section 240B.04, this section does not take effect.

Sec. 8. Minnesota Statutes 2000, section 297A.71, is amended by adding a subdivision to read:

Subd. 28. [CONSTRUCTION MATERIALS; BASEBALL PARK.] Materials, supplies used or consumed in, and equipment incorporated into the construction or improvement of the baseball park constructed under sections 9 to 12, are exempt. This subdivision expires one year after the first major league baseball game is played in the baseball park.

Sec. 9. Minnesota Statutes 2001 Supplement, section 297A.94, is amended to read:

297A.94 [DEPOSIT OF REVENUES.]

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the department of revenue to administer and enforce the assessment and collection of the taxes.



(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 88.5 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota zoological garden, the Como park zoo and conservatory, and the Duluth zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

(g) The commissioner shall deposit the revenues, including interest and penalties, collected from imposing the state tax under this chapter on sales of newspapers and subscriptions to magazines and periodicals in the sports facilities account established under section 240B.03.

**[EFFECTIVE DATE.]** This section is effective for sales made after June 30, 2003.

Sec. 10. [REVENUE BONDS; BASEBALL PARK.]

Subdivision 1. [AUTHORIZATION.] After the conditions set forth in subdivisions 3 to 7 and in section 12 have been met, the city selected by the sports facilities commission as the site of the baseball park shall issue revenue bonds in an amount not to exceed \$170,000,000 to finance its share of the costs to design, acquire, construct, furnish, and equip a baseball park to be owned by the city and leased to a major league professional baseball team, as

provided in sections 10 to 12, and to pay the costs of issuance of the bonds. The bonds shall be sold and issued upon such terms and in such manner as the city determines to be in the best interests of the public. The final maturity of the bonds may be not later than June 30, 2035.

Subd. 2. [SECURITY; BONDS NOT PUBLIC DEBT.] The bonds and the interest thereon are payable solely from repayments by the team and the city in which the baseball park is located, revenues associated with the baseball park as provided in this act, payments by the state under Minnesota Statutes, section 240B.03, and any bond reserve established for the bonds. The bonds are not public debt, and the full faith, credit, and taxing powers of the state are not pledged for their payment.

Subd. 3. [LOCAL GOVERNING BODY APPROVAL.] The governing body of the city in which the baseball park is to be located must approve by two-thirds vote a resolution confirming that the city will own the baseball park and will be responsible for payment of one-half of the construction cost of the baseball park.

Subd. 4. [CONSTRUCTION OF BASEBALL PARK; MAXIMUM PRICE.] The city must have executed agreements that provide for the construction of a roof-ready baseball park to be owned by the city for a guaranteed maximum price not to exceed \$325,000,000, and that requires performance bonds in an amount at least equal to 100 percent of the guaranteed maximum price to cover any costs incurred over and above the guaranteed maximum price, including, but not limited to, costs incurred by the city and loss of revenues resulting from incomplete construction on the substantial completion date. The agreement must include that at least one-half of the cost of the baseball park must be financed by the owner of the major league baseball team or by other private sector financing and that the major league baseball team is responsible for and must pay all cost overruns.

Subd. 5. [MANAGER.] The city must have entered into a contract with a manager to operate the baseball park for the use of the major league baseball team.

Subd. 6. [AGREEMENT; TEAM.] The city must have entered into a use agreement with the major league baseball team that provides:

(1) the major league baseball team must provide an amount not less than one-half of the construction costs in private cash support for the cost of the construction of the baseball park;

(2) the major league baseball team is responsible for and must pay for all cost overruns incurred in construction of the baseball park and has obtained a performance bond guaranteeing the construction price of and the time for completion of the baseball park;

(3) the major league baseball team will use the baseball park for all scheduled home preseason, regular season, and postseason games that the major league baseball team is entitled to play at home for not less than 30 years without an escape clause for the major league baseball team;

(4) the agreement shall specifically state that transfer of any portion of ownership or equity in the major league baseball team does not change any obligations, responsibilities, or privileges under the agreement, this section, or section 12;

(5) the major league baseball team will ensure that a portion of the tickets for its games are accessible and affordable;

(6) the major league baseball team will receive all revenue generated at the stadium except as otherwise specifically provided in this act;

(7) a listing of all revenue streams generated from use of the baseball park with a specification of what revenues are available to cover the major league baseball team operations, which accrue to the city and which are available for repayment of bonds;

(8) the major league baseball team must operate and maintain the stadium in excellent condition during the duration of the agreement. The city where the stadium is located shall verify that the team complies with this requirement;

(9) delineation of the responsibility for repair, maintenance, and replacement of equipment or property in the baseball park, including inspections by the city and a representative of the state;

(10) the major league baseball team shall provide a letter of credit in an amount that protects the public interest in the event of a default by the major league baseball team or a disruption in the season due to a player strike or lockout;

(11) the agreement must afford to the city the rights and remedies at law and equity that are deemed necessary and appropriate to provide reasonable assurance that the baseball team and the owner will comply with the agreements through the 30-year term. The remedies must include, but not be limited to, specific performance and injunctive relief, and may include any other equitable remedies, and any additional remedies or ownership, voting, or other security arrangements the city reasonably determines to be effective in ensuring the baseball team will play the required games in the baseball park throughout the 30-year term. The legislature intends that a material breach of an agreement between the city and professional athletic teams that commit to the long-term playing of major league games at public facilities is deemed to cause irreparable harm for which no adequate remedy at law is available and that the grant of equitable relief to remedy the breach is in the public interest and shall be liberally so construed;

(12) that the major league baseball team has the following obligations during the period of construction of a baseball stadium:

(i) the payment of the prevailing wage rate as defined in Minnesota Statutes, section 177.42, to all construction workers;

(ii) the provision to the city of a signed agreement between the major league baseball team and the construction unions that will work on the new stadium that mandates a no-strike and no-lockout period during construction of a baseball park;

(iii) all construction materials for the baseball park produced from or containing steel, so far as practicable, must use steel produced in the United States from taconite produced in Minnesota; and

(13) if there is a sale or transfer of ownership of the major league baseball team, the owner of the team shall pay to the state an amount equal to the state's share of the appreciated value of the team. The state's share shall be based on the value of the state investment in the baseball park and must be determined according to a formula included in the use agreement.

Subd. 7. [AMATEUR SPORTS.] The city must provide that the baseball park will be available for use by the state high school and amateur sports leagues when practicable.

#### Sec. 11. [FINANCING; CONSTRUCTION.]

Subdivision 1. [PRIVATE FUNDING; OWNERSHIP.] At least one-half of the cost of the baseball park must be funded by the owner of the major league professional baseball team or through other private sector funding. The city shall own the baseball park.

Subd. 2. [BASEBALL PARK ADMISSIONS TAX.] Notwithstanding any other law, the city may impose an admissions tax of up to ten percent of the sale price upon the granting, issuance, sales, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities at the baseball park. No other tax, surcharge, or governmental imposition, except the taxes collected under Minnesota Statutes, chapter 297A, may be levied by any other unit of government upon any such sale or distribution.

The admission tax must be stated and charged separately from the sales price so far as practicable and must be collected by the grantor, seller, or distributor from the person admitted. The admission tax collected must be used for repayment of the bonds issued under section 10. The tax is a debt from that person to the grantor, issuer, seller, or distributor, and the tax required to be collected is a debt owed by the grantor, issuer, seller, or distributor to the city, recoverable at law in the same manner as other debts. Every person granting, issuing, selling, or distributing tickets for such admissions may be required to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay such penalties for nonpayment and interest on late payments, as deemed necessary or expedient to assure the prompt and uniform collection of the tax.

Subd. 3. [FOOD AND BEVERAGE TAXES.] Notwithstanding Minnesota Statutes, section 477A.016, or any other limitation of law or charter, and in addition to other taxes previously authorized by law, the city may by ordinance impose liquor and food taxes not to exceed five percent at a retail level on any business within the confines of the local government unit. The ordinance must provide for dedication of the taxes or fees, after payment of collection and administrative expenses and refunds, to payment of principal and interest on bonds issued under section 10.

Subd. 4. [LODGING TAX.] Notwithstanding Minnesota Statutes, section 477A.016, or any other limitation of law or charter to the contrary, the city may impose, by ordinance, a lodging tax at a rate of no more than five percent on the gross receipts from the furnishing for consideration of lodging as described in Minnesota Statutes, section 469.190, subdivision 1. The city may impose this tax on all or part of the city, as provided in the ordinance and may provide for exempting hotels or motels based on the number of rooms they have available. The ordinance must provide for dedication of the taxes and other income from the tax, after payment of collection and administrative expenses and refunds, to payment of the principal and interest on bonds issued for the baseball park.

Subd. 5. [PARKING TAX, SURCHARGE, OR BOTH.] The city may, by ordinance, impose a parking tax or surcharge or both of not less than \$2 per vehicle per event at the baseball park. The parking tax and surcharge apply to public and privately owned parking facilities in the area that the city determines in its ordinance provide event parking for the baseball park. The ordinance must provide for dedication of the taxes and other income from the tax, after payment of collection and administrative expenses and refunds, to payment of the principal and interest on bonds issued for the baseball park.

Subd. 6. [MEDIA OUTLET FEES.] The city may reserve for payment of bonds issued under section 10, fees charged to broadcast and other media for access to the facility to broadcast games or other events.

Subd. 7. [MAJOR LEAGUE BASEBALL GUARANTY.] Before bonds are issued under section 10, with the advice of the attorney general, the city must execute an agreement with the major league of which the baseball team is a member and with major league baseball that guarantees the continuance of a major league franchise in the metropolitan area for the greater of (i) 30 years or (ii) the term of the bonds issued to finance the baseball park.

Subd. 8. [REFERENDUM.] (a) Before any city imposes a tax under this section, the imposition of the tax must be approved by the voters of the city at a special election held on the first Tuesday in June 2002.

(b) Notwithstanding any statute, charter provision, or other law to the contrary, if the tax is approved in a referendum under this subdivision, an ordinance enacting the tax is not subject to another vote of the electorate by referendum, initiative, charter amendment, or in any other manner.

Subd. 9. [EXPIRATION; LOCAL OPTION TAXES.] When the bonds issued under section 10 have been defeased or retired, subdivisions 3 to 5 and the taxes authorized by them expire.

## Sec. 12. [OBLIGATIONS; MAJOR LEAGUE PROFESSIONAL BASEBALL TEAM.]

Subdivision 1. [OBLIGATIONS PRIOR TO BOND ISSUANCE.] (a) The major league professional baseball team must fully and completely do its part to accomplish the requirements of paragraphs (b) and (c) before the Minnesota sports facilities commission may agree to make payment under Minnesota Statutes, section 240B.04 and before the city may issue bonds to finance the baseball park.

(b) The requirements are that:

(1) a signed lease for not less than 30 years between the city and the major league professional baseball team must be completed with no escape clauses;

(2) the major league professional baseball team has signed an agreement with the city agreeing to allow the baseball park to be available on nongame days for potential use by the University of Minnesota, Minnesota state colleges and universities, private colleges and universities, the state high school league, the city for community events, and the Minnesota amateur sports commission;

(3) the major league of which the baseball team is a member and major league baseball have both executed an agreement with the city that guarantees the continuance of a major league franchise in the metropolitan area for the greater of (i) 30 years from the date of the agreement or (ii) the term of the bonds under section 10;

(4) the major league professional baseball team and major league baseball have signed an agreement with the city to cooperate in maintaining the facility as a smoke-free facility; and

(5) the major league professional baseball team has agreed to make all reasonable efforts to ensure that businesses owned by socially disadvantaged persons are awarded contracts for construction and operation of the baseball park in proportion to the number of qualified businesses owned by socially disadvantaged persons in the metropolitan area. In addition, the team has agreed to make all reasonable efforts to ensure that employment of socially disadvantaged persons for the construction or operation of the baseball park will be proportionate to the number of qualified workers who are socially disadvantaged persons in the metropolitan area. For the purposes of this clause, "socially disadvantaged persons" is as defined in Minnesota Rules, part 1230.0150, subpart 24. The local unit of government must report to the legislature annually on the implementation of this clause.

(c) The major league baseball team must sign, as a condition of receiving any public assistance, a contract with the city under which the city would obtain from the team the rights to the control and use of the team name and logo in the event that the team relocates to another state. Under such a contract, the team must notify the city within 24 hours of signing an agreement to relocate, and at midnight immediately following notification, all income from existing contracts for the use of the team name and logo and all team property with the team name and logo, other than personal property of team members and principals, will become the property of the local government unit.

Subd. 2. [DESIGN AND CONSTRUCTION.] (a) The major league professional baseball team shall design and construct the baseball park and is responsible for all cost overruns that may occur. Before the design process is complete and construction begins, the city and the team must hold at least one public hearing on the proposed design. All funds appropriated to the city under this act shall be managed by the city and made available to the team as the team deems necessary for construction purposes.

(b) All construction materials for the baseball park produced from or containing steel, so far as practicable, must use steel produced in the United States from taconite produced in Minnesota. The city shall establish and impose on the major league professional baseball team appropriate compliance procedures.

Subd. 3. [OBLIGATIONS DURING CONSTRUCTION.] The major league professional baseball team during the period of construction of a baseball park must:

(1) pay the prevailing wage rate as defined in Minnesota Statutes, section 177.42, to all construction workers;

(2) provide to the city a signed agreement between the major league professional baseball team and the construction unions that will work on the new baseball park that mandates a no-strike and no-lockout period during construction of the baseball park; and

(3) pay any cost overruns that occur during the construction period.

## Sec. 13. [BASEBALL PARK; LIQUOR LICENSE.]

The city in which the baseball park is located may issue an intoxicating liquor license for the premises of the baseball park. This license is in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

## Sec. 14. [CONDOMINIUM.]

The city selected to be the location of the baseball park may, by itself or together with another owner, and any other public or private person or entity, as to real or personal property comprising or appurtenant or ancillary to the baseball park, act as a declarant and establish a condominium or leasehold condominium under Minnesota Statutes, chapter 515A, or as a common interest community or leasehold common interest community under Minnesota Statutes, chapter 515B, and may grant, establish, create, or join in other or related easements, agreements, and similar benefits and burdens that the county may deem necessary or appropriate, and may exercise any and all rights and privileges, and assume obligations under them as a declarant, unit owner, or otherwise, insofar as practical and consistent with this act. The city may be a member of an association and the chair, any members of its governing body, and any officers and employees of the local unit of government may serve on the board of an association under Minnesota Statutes, chapter 515A or 515B.

## Sec. 15. [OLYMPIC BID; FACILITY CONSTRUCTION.]

The governor must evaluate: (1) the feasibility of Minnesota preparing a bid to host the 2012 or future summer Olympics; and (2) the possibility that hosting the 2012 or future summer Olympics may result in sources other than the state or a local governmental unit constructing facilities that could be used by Minnesota professional sports teams after completion of the Olympics.

If the governor determines that preparation of a bid to host the 2012 or future Olympics could be cost beneficial to the state, the governor, in consultation with appropriate persons in the public and private sector, must take steps necessary to begin bid preparation."

Delete the title and insert:

"A bill for an act relating to a baseball park; financing a major league baseball park; creating a Minnesota sports facilities commission; directing a transfer from the metropolitan sports commission; establishing a sports facilities account; requiring a statewide advisory referendum on state assistance on financing a major league baseball park; requiring a determination of whether to provide state financing; providing a process for site selection; requiring agreements and preconditions for agreements; providing a property tax exemption for the baseball park; extending the sales tax to certain sales of newspapers and magazines if the state determines to assist in financing the baseball park; exempting construction materials for the baseball park from the sales tax; authorizing local revenue bonds; requiring a guaranteed maximum price on the baseball park; requiring one-half of baseball park costs to be privately funded; authorizing city taxes on food, beverages, lodging, and admission subject to a local referendum; authorizing a parking tax or surcharge; authorizing reservation of media outlet fees; requiring a guaranty from major league baseball; requiring obligations of the major league baseball team; authorizing an additional intoxicating liquor license; authorizing the establishment of a condominium; requiring evaluation of an olympic bid; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.68, subdivision 10; 297A.71, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 297A.94; proposing coding for new law as Minnesota Statutes, chapter 240B."

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means without further recommendation.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 2550, A bill for an act relating to public safety; modifying emergency 911 telephone system provisions to establish emergency 911 telecommunications system; amending Minnesota Statutes 2000, sections 403.01; 403.02, subdivisions 3, 6, 7, by adding subdivisions; 403.05; 403.06; 403.07; 403.08; 403.09; 403.10, subdivision 1; 403.11, subdivisions 3, 4, by adding a subdivision; 403.113, subdivision 1; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; repealing Minnesota Statutes 2000, sections 403.04; 403.11, subdivision 2; 403.113, subdivision 5; 403.12, subdivision 1; 403.13; 403.14; Minnesota Rules, parts 1215.0400; 1215.0600; 1215.0700; 1215.1200, subpart 3; 1215.1500.

Reported the same back with the following amendments:

Page 7, delete lines 21 to 23

Page 10, delete lines 20 to 23

Page 10, line 24, delete "13" and insert "12"

Page 13, lines 9 to 11, delete the new language

Page 13, line 34, delete "effective date and other"

Page 14, line 2, delete everything after "services" and insert "provided after July 1, 2001"

Page 14, delete line 3

Page 14, line 4, delete everything before the period

Page 14, after line 15, insert:

"Sec. 15. Minnesota Statutes 2000, section 403.11, is amended by adding a subdivision to read:

Subd. 3a. [TIMELY CERTIFICATION.] A certification must be submitted to the commissioner of administration no later than two years after commencing a new or additional eligible 911 service. Any wireless or wireline telecommunications service provider incurring reimbursable costs under this section at any time before January 1, 2003, may certify those costs for payment to the commissioner of administration according to this section for a period of 90 days after January 1, 2003. During this period, the commissioner of administration shall reimburse any wireless or wireline telecommunications service provider for approved, certified costs without regard to any contrary provision of this subdivision.

Sec. 16. Minnesota Statutes 2000, section 403.11, is amended by adding a subdivision to read:

Subd. 3b. [CERTIFICATION.] All wireless and wireline telecommunications service providers shall submit a self-certification form signed by an officer of the company to the department of administration with invoices for payment of an initial or changed service described in the service provider's 911 contract. The self-certification must affirm that the 911 service contracted for is being provided and the costs invoiced for the service are true and correct. All certifications are subject to verification and audit.

Sec. 17. Minnesota Statutes 2000, section 403.11, is amended by adding a subdivision to read:

Subd. 3c. [AUDIT.] If the commissioner of administration determines that an audit is necessary to document the certification described in subdivision 3b, the wireless or wireline telecommunications service provider shall contract with an independent certified public accountant to conduct the audit, which must be conducted according to generally accepted accounting principles. The wireless or wireline telecommunications service provider is responsible for any costs associated with the audit."

Page 14, line 25, after "section" insert "403.11 or"

Page 15, line 28, delete "403.11,"

Page 15, line 29, delete "subdivision 2:"

Page 15, line 30, before the period, insert ", effective the day following final enactment"

Page 15, after line 30, insert:

"(b) Minnesota Statutes 2000, section 403.11, subdivision 2, is repealed effective January 1, 2003."

Page 15, line 31, delete "(b)" and insert "(c)"

Page 15, line 32, before the period, insert ", effective the day following final enactment"

Page 15, delete lines 34 to 36 and insert "Sections 1 to 13 and 15 to 20 are effective the day following final enactment. Section 14 is effective January 1, 2003."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "a subdivision" and insert "subdivisions"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 2573, A bill for an act relating to real estate; filling in an inadvertent omission for a temporary increase in the surcharge for filing and recording certain documents to fund the real estate task force; amending Minnesota Statutes 2001 Supplement, sections 508.82, subdivision 1; 508A.82, subdivision 1.

Reported the same back with the following amendments:

Page 5, after line 12, insert:

"Sec. 3. Laws 2001, First Special Session chapter 10, article 2, section 98, is amended to read:

Sec. 98. [WORK PLAN APPROPRIATIONS.]

(a) \$650,000 is appropriated from the surcharge collected under Minnesota Statutes, section 357.18, subdivision 3, to the legislative coordinating commission, to be made available to the real estate task force established in accordance with Laws 2000, chapter 391, for the expenses of the task force in carrying out the work plan as described in the January 15, 2001, task force report to the legislature. This appropriation is available until June 30, ~~2003~~ 2004, and is to be administered at the direction of the chair of the task force, subject to the prior approval of the task force.



(b) \$500,000 is appropriated from the surcharge collected under Minnesota Statutes, section 357.18, subdivision 3, to the legislative coordinating commission, to be made available to the task force for the development and implementation of pilot electronic real estate projects in diverse counties as described in the January 15, 2001, task force report to the legislature. This appropriation is available until June 30, ~~2003~~ 2004.

Sec. 4. [EXTENSION OF EFFECTIVE DATE.]

The effective date of the amendment to Minnesota Statutes, section 357.18, subdivision 3, contained in Laws 2001, First Special Session chapter 10, article 2, section 77, is extended until June 30, 2004."

Page 5, line 13, delete "3" and insert "5"

Page 5, delete section 4 and insert:

"Sec. 6. [EFFECTIVE DATES AND APPLICATION.]

The amendments made by sections 1 and 2 are effective until June 30, 2004, for documents last acknowledged ten or more days after the date of final enactment of this act; or filed 45 days or more after the date of final enactment. Sections 3 to 5 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "extending the effective date for the surcharges;"

Page 1, line 7, before the period, insert "; Laws 2001, First Special Session chapter 10, article 2, section 98"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 2761, A bill for an act relating to state government; creating the office of state treasurer; amending Minnesota Statutes 2000, section 43A.18, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 7.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2000, section 4.06, is amended to read:

4.06 [VACANCY; SUCCESSION; DISABILITY.]

(a) When a vacancy occurs, from any cause whatever, in the office of governor, the lieutenant governor shall become governor and the last duly elected president of the senate shall become lieutenant governor for the remainder of the term. When a vacancy occurs, from any cause whatever, in the office of governor and in the office of lieutenant governor, the president of the senate shall become governor for the remainder of the term. If there be no president of the senate, then the speaker of the house of representatives shall become governor for the remainder of the term; or if there be none, then the secretary of state, or the auditor, ~~or the treasurer~~, or the attorney general, in that order, shall upon resignation from office, become governor for the remainder of the term.

(b) In case of the death or other failure to take office of the governor-elect, the lieutenant governor-elect shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect. In case of the death or other failure to take office of both the governor-elect and lieutenant governor-elect, the last duly elected president of the senate, or in the case of death or other failure to take office, the last duly elected speaker of the house of representatives, or in the case of death or other failure to take office, the secretary of state-elect, or under the same circumstances the auditor-elect, ~~the treasurer-elect~~ or the attorney general-elect, in that order shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect.

(c) If the governor transmits to the president of the senate and the speaker of the house of representatives a written declaration of an inability to discharge the powers and duties of the office of governor, and until the governor transmits a written declaration to the contrary, the powers and duties of the governor shall be discharged by the lieutenant governor.

(d) The governor may be declared unable to discharge the powers and duties of the office if a declaration is signed by four out of five of the following persons and transmitted to the president of the senate and the speaker of the house of representatives: the chief justice of the supreme court, the lieutenant governor, the governor's chief of staff, the governor's personal physician, and a member of the governor's cabinet designated in advance by the governor. If no cabinet member has been designated, three out of four shall be sufficient. The lieutenant governor shall then discharge the powers and duties of the office of governor.

(e) The declaration remains in effect until the governor transmits to the president of the senate and the speaker of the house of representatives a written declaration that no inability exists, unless four out of five of the persons described in paragraph (d), or three out of four if no cabinet member has been designated, sign and transmit to the president of the senate and the speaker of the house of representatives within four days of the governor's declaration a declaration that the governor is unable to discharge the powers and duties of the office. In that event, the lieutenant governor shall continue to discharge the duties of the office until the legislature decides the issue, assembling within 48 hours for that purpose if not in session. If the legislature, within 21 days after receipt of the declaration that the governor is unable to discharge the powers and duties of the office or, if the legislature is not in session, within 21 days after being required to assemble, determines by two-thirds vote of both houses that the governor is unable to discharge the powers and duties of the office, the lieutenant governor shall continue to discharge the powers and duties of the office. Otherwise, the governor shall resume the powers and duties of the office."

Page 1, line 12, after the period, insert "Personnel, powers, or duties of the office of state treasurer may not be transferred to another agency under authority of section 16B.37 or other law."

Page 1, after line 12, insert:

"Sec. 3. Minnesota Statutes 2000, section 8.05, is amended to read:

8.05 [FORMS PREPARED; OPINIONS.]

The attorney general shall prepare forms for bonds and other contracts and instruments for the use of state officials, boards, and commissions and give legal advice in all matters relating to their official duties, whenever required by the governor, auditor, ~~treasurer~~, or secretary of state, or any board or commission created by law. When required by either house of the legislature the attorney general shall give a written opinion upon any question of law. The attorney general similarly shall give a written opinion upon any question of law submitted by a permanent or interim committee or commission of the legislature or of either house of the legislature, including but not limited to an interim committee of the legislature created by law for a county containing a city of the first class.

Sec. 4. Minnesota Statutes 2000, section 10.01, is amended to read:

10.01 [SPACE FOR CONSTITUTIONAL OFFICES; ADDITIONAL DUTIES.]

The governor, secretary of state, auditor, ~~treasurer~~, and attorney general shall keep their offices in rooms provided for them, respectively, in the area known as the capitol, or as the capitol complex, or as the capitol area; and, in addition to the duties heretofore prescribed, shall severally render such other services and be subject to such further obligations as are required of or imposed upon them by law.

Sec. 5. Minnesota Statutes 2000, section 11A.08, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] There is created an investment advisory council consisting of ~~17~~ 18 members. Ten of these members shall be experienced in general investment matters. They shall be appointed by the state board. One member is the state treasurer. The other seven members shall be: the commissioner of finance; the executive director of the Minnesota state retirement system; the executive director of the public employees retirement association; the executive director of the teachers retirement association; a retiree currently receiving benefits from the postretirement investment fund; and two public employees who are active members of funds whose assets are invested by the state board. The retiree and the public employees shall be appointed by the governor for four-year terms."

Page 2, after line 10, insert:

"Sec. 7. Minnesota Statutes 2000, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT; DISHONORED CHECKS; CONSEQUENCES.] Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

- (a) for the office of governor, lieutenant governor, attorney general, state auditor, ~~state treasurer~~, secretary of state, representative in Congress, judge of the supreme court, judge of the court of appeals, or judge of the district court, \$300;
- (b) for the office of senator in Congress, \$400;
- (c) for office of senator or representative in the legislature, \$100;
- (d) for a county office, \$50; and
- (e) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing

officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 332.50. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 8. Minnesota Statutes 2000, section 204D.10, subdivision 2, is amended to read:

Subd. 2. [PARTY PRIMARY; TEN PERCENT REQUIREMENT.] If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, ~~state treasurer~~, and attorney general.

Sec. 9. Minnesota Statutes 2000, section 209.01, subdivision 2, is amended to read:

Subd. 2. [STATEWIDE OFFICE.] For purposes of this chapter "statewide office" means the office of governor, lieutenant governor, attorney general, state auditor, ~~state treasurer~~, secretary of state, chief justice or associate justice of the supreme court, judge of the court of appeals, United States senator, or presidential elector."

Page 2, line 19, delete "3" and insert "10"

Renumber the sections in sequence and correct internal cross-references

Delete the title and insert:

"A bill for an act relating to state government; creating the office of state treasurer; amending Minnesota Statutes 2000, sections 4.06; 8.05; 10.01; 11A.08, subdivision 1; 43A.18, subdivision 4; 204B.11, subdivision 1; 204D.10, subdivision 2; 209.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 7."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 3587, A bill for an act relating to real property; providing for the electronic recording and authentication of certain documents as part of a pilot project; delaying the expiration date of the electronic real estate filing task force; amending Minnesota Statutes 2000, section 507.093; Minnesota Statutes 2001 Supplement, section 507.24, subdivision 2; Laws 2000, chapter 391, section 1, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Mulder introduced:

H. F. No. 3692, A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for planning and constructing telecommunications delivery systems on campuses of Minnesota state colleges and universities.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Paulsen, Buesgens and Seagren introduced:

H. F. No. 3693, A bill for an act relating to airports; adding members to the metropolitan airports commission; amending Minnesota Statutes 2000, sections 473.604, subdivision 1; 473.605, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Davids introduced:

H. F. No. 3694, A bill for an act relating to water; limiting water appropriation permits for animal feedlots.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Kahn; McGuire; Greiling; Evans; Clark, K.; Kelliher; Wagenius; Biernat; Hausman; Johnson, S.; Walker; Folliard; Dibble; Dorn; Dawkins and Rukavina introduced:

H. F. No. 3695, A resolution urging Congress to oppose implementation of a national missile defense system and to redirect funds towards real security needs, and for other purposes.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Mulder introduced:

H. F. No. 3696, A bill for an act relating to education; allowing licensed elementary school teachers to provide instruction at home; proposing coding for new law in Minnesota Statutes, chapter 124D.

The bill was read for the first time and referred to the Committee on Education Policy.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2766, A bill for an act relating to motor vehicle fuel franchises; removing an expiration date; amending Minnesota Statutes 2001 Supplement, section 80C.147.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3189, A bill for an act relating to motor vehicles; defining street-sweeping vehicles as special mobile equipment for vehicle registration purposes; amending Minnesota Statutes 2000, section 168.011, subdivision 22.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3584, A bill for an act relating to judgments; changing the formula for certain calculations; amending Minnesota Statutes 2000, section 549.09, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2531, A bill for an act relating to health; regulating hospice care providers; providing criminal penalties; amending Minnesota Statutes 2000, sections 13.381, subdivision 10; 144A.43, subdivisions 1, 3, 4; 144A.45, subdivisions 1, 2; 144A.46, subdivisions 3a, 3b, 4; 144A.4605, subdivisions 2, 3; 145C.01, subdivision 7; 157.17, subdivision 2; 609.7495, subdivision 1; 626.5572, subdivision 6; Minnesota Statutes 2001 Supplement, section 144A.4605, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 2000, section 144A.48.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Goodno moved that the House concur in the Senate amendments to H. F. No. 2531 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2531, A bill for an act relating to health; regulating hospice care providers; providing criminal penalties; amending Minnesota Statutes 2000, sections 13.381, subdivision 10; 144A.43, subdivisions 1, 3, 4; 144A.45, subdivisions 1, 2; 144A.46, subdivisions 3a, 3b, 4; 144A.4605, subdivisions 2, 3; 145C.01, subdivision 7; 157.17, subdivision 2; 609.7495, subdivision 1; 626.5572, subdivision 6; Minnesota Statutes 2001 Supplement, section 144A.4605, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 2000, section 144A.48.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Holberg	Leppik	Otremba	Stanek
Abrams	Dorman	Holsten	Lieder	Ozment	Stang
Anderson, B.	Dorn	Howes	Lindner	Paulsen	Swapinski
Anderson, I.	Eastlund	Huntley	Lipman	Pawlenty	Swenson
Bakk	Entenza	Jacobson	Mahoney	Paymar	Sykora
Bernardy	Erhardt	Jaros	Mares	Pelowski	Thompson
Biernat	Erickson	Jennings	Mariani	Penas	Tingelstad
Bishop	Evans	Johnson, J.	Marko	Peterson	Vandever
Blaine	Finseth	Johnson, R.	Marquart	Pugh	Wagenius
Boudreau	Folliard	Johnson, S.	McElroy	Rhodes	Walker
Bradley	Fuller	Jordan	McGuire	Rifenberg	Walz
Buesgens	Gerlach	Juhnke	Milbert	Rukavina	Wasiluk
Carlson	Gleason	Kahn	Molnau	Ruth	Westerberg
Cassell	Goodno	Kalis	Mulder	Schumacher	Wilkin
Clark, J.	Goodwin	Kelliher	Mullery	Seagren	Winter
Clark, K.	Greiling	Kielkucki	Murphy	Seifert	Wolf
Daggett	Gunther	Knoblach	Ness	Sertich	Spk. Sviggum
Davids	Haas	Koskinen	Nornes	Skoe	
Davnie	Hackbarth	Kubly	Olson	Skoglund	
Dawkins	Harder	Kuisle	Opatz	Slawik	
Dehler	Hilstrom	Larson	Osskopp	Smith	
Dempsey	Hilty	Leighton	Osthoff	Solberg	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2727, 2115, 2457, 2459, 2550, 3055 and 2363.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3172, 2546, 2764, 2614, 3054, 2933 and 3352.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 2727, A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; establishing the Cuyuna Lakes state trail; restricting the taking of fish on certain waters; authorizing public and private sales, conveyances, and exchanges of certain state land; modifying provisions for sale of tax-forfeited land; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, by adding a subdivision; 97C.025; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, by adding a subdivision.

The bill was read for the first time.

Peterson moved that S. F. No. 2727 and H. F. No. 3025, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2115, A bill for an act relating to motor vehicles; regulating dealers; clarifying licensed motor vehicle dealer bonding requirements; amending Minnesota Statutes 2000, section 168.27, subdivision 24.

The bill was read for the first time.

Workman moved that S. F. No. 2115 and H. F. No. 1885, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2457, A bill for an act relating to civil commitment; conforming certain standards; authorizing the court to commit certain persons with mental illnesses to community hospitals; requiring the commissioner of human services to provide a report to the legislature on the mental health system; amending Minnesota Statutes 2000, sections 253B.05, subdivision 2; 253B.07, subdivision 2b; Minnesota Statutes 2001 Supplement, section 253B.09, subdivision 1.

The bill was read for the first time.

Greiling moved that S. F. No. 2457 and H. F. No. 2735, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2459, A bill for an act relating to health; modifying requirements for supplemental nursing services agencies; providing for revocation of supplemental nursing services agency's registration if the agency supplies persons with illegal diplomas to health care facilities; providing for revocation procedures; amending Minnesota Statutes 2001 Supplement, sections 144A.70, subdivision 6; 144A.71, subdivision 2; 144A.72, subdivision 1, by adding subdivisions; 144A.74.

The bill was read for the first time.



Bradley moved that S. F. No. 2459 and H. F. No. 2664, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2550, A bill for an act relating to human services; amending provisions relating to special education; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, sections 125A.03; 125A.21, subdivision 2; 125A.27, subdivision 10; 125A.43; 125A.76, subdivision 7; 256B.0625, subdivision 26; Minnesota Statutes 2001 Supplement, section 125A.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 125A.

The bill was read for the first time.

Bradley moved that S. F. No. 2550 and H. F. No. 2635, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3055, A bill for an act relating to the metropolitan council; clarifying the jurisdiction of the metropolitan transit police; authorizing metropolitan transit police officers to apply for and execute search warrants; amending Minnesota Statutes 2000, sections 473.407, subdivisions 1, 2, 3; 626.05, subdivision 2; Minnesota Statutes 2001 Supplement, sections 626.11; 626.13; repealing Minnesota Statutes 2000, section 473.407, subdivision 4a.

The bill was read for the first time.

Stanek moved that S. F. No. 3055 and H. F. No. 3080, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2363, A bill for an act relating to insurance; limiting the use of credit information; amending Minnesota Statutes 2000, section 72A.20, by adding a subdivision.

The bill was read for the first time.

Davids moved that S. F. No. 2363 and H. F. No. 2492, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3172, A bill for an act relating to crimes; requiring a ten-year conditional release period when a person has a previous sex offense conviction regardless of the state in which it occurred; making it a ten-year felony when a person commits certain prohibited acts when the act is committed with sexual or aggressive intent; defining aggravated harassing conduct to include acts of criminal sexual conduct as predicate offenses for a pattern of harassing conduct; prescribing penalties; amending Minnesota Statutes 2000, sections 609.109, subdivision 7; 609.749, subdivisions 1a, 3; Minnesota Statutes 2001 Supplement, section 609.749, subdivisions 4, 5.

The bill was read for the first time and referred to the Committee on Ways and Means.

S. F. No. 2546, A bill for an act relating to local government; permitting the cities of Rockville and Pleasant Lake and the town of Rockville to jointly develop a consolidation plan; permitting the cities of New London and Spicer and the town of New London to jointly develop a consolidation plan; requiring hearings, approval by the governing bodies, and referenda.

The bill was read for the first time.

Stang moved that S. F. No. 2546 and H. F. No. 2933, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2764, A bill for an act relating to human services licensing; modifying standards for reporting incidents in licensed programs serving persons with mental retardation or related conditions; amending Minnesota Statutes 2000, sections 245B.02, subdivision 10; 245B.05, subdivision 7; 245B.07, subdivision 1; 626.557, subdivision 14.

The bill was read for the first time.

Abeler moved that S. F. No. 2764 and H. F. No. 3091, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2614, A bill for an act relating to foster care; requiring disclosure of an individual's communicable disease to a foster care provider; modifying provisions relating to child custody; amending Minnesota Statutes 2001 Supplement, sections 260C.212, subdivision 1; 260C.317, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 245A.

The bill was read for the first time.

Sykora moved that S. F. No. 2614 and H. F. No. 2932, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3054, A bill for an act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 2933, A bill for an act relating to pollution; allowing installation of certain individual sewage treatment systems; appropriating money; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision.

The bill was read for the first time.

Howes moved that S. F. No. 2933 and H. F. No. 2889, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3352, A bill for an act relating to the environment; amending provisions of the Dry Cleaner Environmental Response and Reimbursement Law; amending Minnesota Statutes 2000, sections 115B.48, subdivision 5; 115B.49, subdivision 4.

The bill was read for the first time and referred to the Committee on Ways and Means.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

## MOTIONS FOR RECONSIDERATION

Abrams moved that the vote whereby H. F. No. 3618, as amended, was not passed on Thursday, March 14, 2002, be now reconsidered. The motion prevailed.

Abrams moved that the action whereby H. F. No. 3618, as amended, was given its third reading on Thursday, March 14, 2002, be now reconsidered.

A roll call was requested and properly seconded.

## CALL OF THE HOUSE

On the motion of Entenza and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dibble	Holsten	Lenczewski	Osthoff	Solberg
Abrams	Dorn	Howes	Leppik	Otremba	Stang
Anderson, B.	Eastlund	Huntley	Lieder	Ozment	Swapinski
Anderson, I.	Entenza	Jacobson	Lindner	Paulsen	Swenson
Bakk	Erhardt	Jaros	Lipman	Pawlenty	Thompson
Bernardy	Erickson	Jennings	Mahoney	Paymar	Tingelstad
Biernat	Evans	Johnson, J.	Mares	Pelowski	Tuma
Bishop	Finseth	Johnson, R.	Mariani	Penas	Vandever
Blaine	Folliard	Johnson, S.	Marko	Peterson	Wagenius
Boudreau	Fuller	Jordan	Marquart	Pugh	Walker
Bradley	Gerlach	Juhnke	McElroy	Rhodes	Walz
Buesgens	Gleason	Kahn	McGuire	Rifenberg	Wasiluk
Carlson	Goodno	Kalis	Milbert	Rukavina	Westerberg
Cassell	Goodwin	Kelliher	Molnau	Ruth	Westrom
Clark, J.	Greiling	Kielkucki	Mulder	Schumacher	Wilkin
Clark, K.	Gunther	Knoblach	Mullery	Seagren	Winter
Daggett	Haas	Koskinen	Murphy	Seifert	Wolf
Davids	Hackbarth	Krinkie	Ness	Sertich	Workman
Davnie	Harder	Kubly	Nornes	Skoe	Spk. Sviggum
Dawkins	Hilstrom	Kuisle	Olson	Skoglund	
Dehler	Hilty	Larson	Opatz	Slawik	
Dempsey	Holberg	Leighton	Osskopp	Smith	

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

McGuire was excused for the remainder of today's session.

The question recurred on the Abrams motion and the roll was called. There were 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abrams	Blaine	Buesgens	Daggett	Dorman	Erickson
Anderson, B.	Boudreau	Cassell	Davids	Eastlund	Finseth
Bishop	Bradley	Clark, J.	Dempsey	Erhardt	Fuller

Gerlach	Jacobson	Lipman	Osthoff	Seagren	Walz
Goodno	Johnson, J.	Mares	Ozment	Seifert	Westerberg
Gunther	Jordan	McElroy	Paulsen	Smith	Westrom
Haas	Kielkucki	Molnau	Pawlenty	Stanek	Wilkin
Hackbarth	Knoblach	Mulder	Pelowski	Stang	Wolf
Harder	Krinkie	Ness	Penas	Swenson	Workman
Holberg	Kuisle	Nornes	Rhodes	Sykora	Spk. Sviggum
Holsten	Leppik	Olson	Rifenberg	Tuma	
Howes	Lindner	Osskopp	Ruth	Vandev eer	

Those who voted in the negative were:

Abeler	Dorn	Jennings	Lenczewski	Paymar	Thompson
Anderson, I.	Entenza	Johnson, R.	Lieder	Peterson	Tingelstad
Bakk	Evans	Johnson, S.	Mahoney	Pugh	Wagenius
Bernardy	Folliard	Juhnke	Mariani	Rukavina	Walker
Biernat	Gleason	Kahn	Marko	Schumacher	Wasiluk
Carlson	Goodwin	Kalis	Marquart	Sertich	Winter
Clark, K.	Greiling	Kelliher	Milbert	Skoe	
Davnie	Hilstrom	Koskinen	Mullery	Skoglund	
Dawkins	Hilty	Kubly	Murphy	Slawik	
Dehler	Huntley	Larson	Opatz	Solberg	
Dibble	Jaros	Leighton	Otremba	Swapinski	

The motion prevailed.

The Speaker called Boudreau to the Chair.

Kuisle and Dorman moved to amend H. F. No. 3618, the third engrossment, as follows:

Page 22, line 19, delete "51,000,000" and insert "61,000,000"

Page 22, line 21, delete "\$25,000,000" and insert "\$30,000,000"

Page 22, line 26, delete "\$26,000,000" and insert "\$31,000,000"

Page 23, delete subdivisions 9 and 10

Page 24, line 1, delete "Transitway"

Page 24, line 2, delete everything before the second "for" and insert:

"For environmental review, engineering, real property acquisition,  
and construction of corridor improvements for bus rapid transit"

Page 24, line 3, delete "transitway"

Adjust amounts accordingly

Re-number or re-letter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the Kuisle and Dorman amendment and the roll was called. There were 76 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Howes	Lipman	Pawlenty	Sykora
Anderson, B.	Eastlund	Jacobson	Mares	Pelowski	Tuma
Bishop	Erhardt	Jennings	Marquart	Penas	Vandever
Blaine	Erickson	Johnson, J.	McElroy	Peterson	Walz
Boudreau	Finseth	Johnson, R.	Molnau	Rhodes	Westerberg
Bradley	Fuller	Jordan	Mulder	Rifenberg	Westrom
Buesgens	Gerlach	Kielkucki	Ness	Ruth	Wilkin
Cassell	Goodno	Knoblach	Nornes	Seagren	Winter
Clark, J.	Gunther	Krinkie	Olson	Seifert	Wolf
Daggett	Haas	Kubly	Osskopp	Smith	Workman
Davids	Harder	Kuisle	Osthoff	Stanek	Spk. Sviggum
Dempsey	Holberg	Leppik	Ozment	Stang	
Dorman	Holsten	Lindner	Paulsen	Swenson	

Those who voted in the negative were:

Abeler	Dibble	Hilty	Leighton	Opatz	Solberg
Anderson, I.	Entenza	Huntley	Lenczewski	Otremba	Swapinski
Bakk	Evans	Jaros	Lieder	Paymar	Thompson
Bernardy	Folliard	Johnson, S.	Mahoney	Pugh	Tingelstad
Biernat	Gleason	Juhnke	Mariani	Rukavina	Wagenius
Carlson	Goodwin	Kahn	Marko	Schumacher	Walker
Clark, K.	Gray	Kalis	McGuire	Sertich	Wasiluk
Davnie	Greiling	Kelliher	Milbert	Skoe	
Dawkins	Hackbarth	Koskinen	Mullery	Skoglund	
Dehler	Hilstrom	Larson	Murphy	Slawik	

The motion prevailed and the amendment was adopted.

H. F. No. 3618, as amended, was read for the third time.

#### POINT OF ORDER

Boudreau raised a point of order pursuant to section 124, paragraph 3, of "Mason's Manual of Legislative Procedure," relating to Personalities Not Permitted in Debate. The Speaker ruled the point of order not well taken.

H. F. No. 3618, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; requiring certain studies and reports; authorizing sale of state bonds; canceling earlier appropriations and reducing bond authorizations; making technical corrections; making changes to statutes related to administration of the state's capital improvement program; requiring an inventory of state-owned land; providing a certain exemption from any moratorium on state professional or technical contracts; authorizing a lease of certain Minneapolis park and

recreation board land; modifying the wastewater infrastructure program; establishing a local road improvement account; prohibiting any action on the Dan Patch Commuter Rail Line; establishing a multiagency working group on mitigation of effects of DM&E rail project in southern Minnesota; authorizing the purchase of certain state park inholdings; appropriating money; amending Minnesota Statutes 2000, sections 13.462, subdivision 2; 16A.11, subdivision 6; 16A.501; 16A.86, subdivision 3; 16B.335, subdivision 3; 119A.45; 446A.072, subdivisions 1, 3, 6, 7, 8, 9, 11, 12, by adding subdivisions; Laws 1998, chapter 404, section 18, subdivision 4; Laws 2000, chapter 492, article 1, section 12, subdivision 7; Laws 2000, chapter 492, article 1, section 15, subdivision 4; Laws 2000, chapter 492, article 1, section 22, subdivisions 3, as amended, 4; Laws 2000, chapter 492, article 1, section 27; Laws 2001, First Special Session chapter 12, section 10; proposing coding for new law in Minnesota Statutes, chapters 16B; 174; repealing Minnesota Statutes 2000, section 446A.072, subdivisions 2, 4, 5, 10, 13.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abrams	Eastlund	Howes	Larson	Ozment	Stanek
Anderson, B.	Erhardt	Huntley	Leighton	Paulsen	Stang
Anderson, I.	Erickson	Jacobson	Lenczewski	Pawlenty	Swenson
Bernardy	Evans	Jaros	Leppik	Paymar	Sykora
Bishop	Finseth	Jennings	Lieder	Pelowski	Thompson
Blaine	Fuller	Johnson, J.	Mahoney	Penas	Tuma
Boudreau	Gerlach	Johnson, R.	Mares	Peterson	Vanderveer
Bradley	Goodno	Johnson, S.	Marquart	Rhodes	Walz
Buesgens	Gray	Jordan	McElroy	Rifenberg	Wasiluk
Carlson	Gunther	Juhnke	Molnau	Rukavina	Westerberg
Cassell	Haas	Kalis	Murphy	Ruth	Westrom
Clark, J.	Hackbarth	Kelliher	Ness	Seagren	Wilkin
Daggett	Harder	Kielkucki	Nornes	Seifert	Wolf
Davids	Hilstrom	Knoblach	Olson	Skoe	Workman
Dempsey	Holberg	Kubly	Osthoff	Smith	Spk. Sviggum
Dorman	Holsten	Kuisle	Otremba	Solberg	

Those who voted in the negative were:

Abeler	Dibble	Hilty	Marko	Schumacher	Walker
Bakk	Dorn	Kahn	Milbert	Sertich	Winter
Biernat	Entenza	Koskinen	Mulder	Skoglund	
Clark, K.	Folliard	Krinkie	Mullery	Slawik	
Davnie	Gleason	Lindner	Opatz	Swapinski	
Dawkins	Goodwin	Lipman	Osskopp	Tingelstad	
Dehler	Greiling	Mariani	Pugh	Wagenius	

Having received the constitutionally required three-fifth's vote, the bill was passed, as amended, and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Tuma moved that the call of the House be suspended. The motion prevailed and it was so ordered.

**CALENDAR FOR THE DAY**

S. F. No. 2932 was reported to the House.

Gerlach moved to amend S. F. No. 2932 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 115.06, is amended by adding a subdivision to read:

Subd. 4. [CITIZEN MONITORING OF WATER QUALITY.] (a) The agency may encourage citizen monitoring of ambient water quality for public waters by:

(1) providing technical assistance to citizen and local group water quality monitoring efforts;

(2) integrating citizen monitoring data into water quality assessments and agency programs, provided that the data adheres to agency quality assurance and quality control protocols; and

(3) seeking public and private funds to:

(i) collaboratively develop clear guidelines for water quality monitoring procedures and data management practices for specific data and information uses;

(ii) distribute the guidelines to citizens, local governments, and other interested parties;

(iii) improve and expand water quality monitoring activities carried out by the agency; and

(iv) continue to improve electronic and Web access to water quality data and information about public waters that have been either fully or partially assessed.

(b) This subdivision does not authorize a citizen to enter onto private property for any purpose.

(c) By January 15 of each odd-numbered year, the commissioner shall report to the senate and house of representatives committees with jurisdiction over environmental policy and finance on activities under this section.

(d) This subdivision shall sunset June 30, 2005."

Delete the title and insert:

"A bill for an act relating to the environment; encouraging citizen water quality monitoring; amending Minnesota Statutes 2000, section 115.06, by adding a subdivision."

Harder moved to amend the Gerlach amendment to S. F. No. 2932 as follows:

Page 2, after line 5, insert:

"(c) Nothing in this subdivision may be used as a cause of action in any legal action."

A roll call was requested and properly seconded.

Skoe moved that S. F. No. 2932 be re-referred to the Committee on Agriculture Policy.

A roll call was requested and properly seconded.

The question was taken on the Skoe motion and the roll was called. There were 16 yeas and 115 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Gray	Kubly	Marquart	Sertich	Westrom
Dawkins	Jennings	Lieder	Otremba	Skoe	
Finseth	Juhnke	Marko	Peterson	Solberg	

Those who voted in the negative were:

Abeler	Dibble	Hilty	Leighton	Paulsen	Sykora
Abrams	Dorman	Holberg	Lenczewski	Pawlenty	Thompson
Anderson, B.	Dorn	Holsten	Leppik	Paymar	Tingelstad
Bakk	Eastlund	Howes	Lindner	Pelowski	Tuma
Bernardy	Entenza	Huntley	Lipman	Penas	Vandever
Biernat	Erhardt	Jacobson	Mahoney	Pugh	Wagenius
Bishop	Erickson	Jaros	Mares	Rhodes	Walker
Blaine	Evans	Johnson, J.	Mariani	Rifenberg	Walz
Boudreau	Folliard	Johnson, R.	McElroy	Rukavina	Wasiluk
Bradley	Fuller	Johnson, S.	Milbert	Ruth	Westerberg
Buesgens	Gerlach	Jordan	Molnau	Schumacher	Wilkin
Carlson	Gleason	Kahn	Mulder	Seagren	Winter
Cassell	Goodno	Kalis	Mullery	Seifert	Wolf
Clark, J.	Goodwin	Kelliher	Murphy	Skoglund	Workman
Clark, K.	Greiling	Kielkucki	Ness	Slawik	Spk. Sviggum
Daggett	Gunther	Knoblach	Nornes	Smith	
Davids	Haas	Koskinen	Olson	Stanek	
Davnie	Hackbarth	Krinkie	Opatz	Stang	
Dehler	Harder	Kuisle	Osskopp	Swapinski	
Dempsey	Hilstrom	Larson	Ozment	Swenson	

The motion did not prevail.

The question recurred on the Harder amendment to the Gerlach amendment and the roll was called. There were 50 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Davids	Holberg	Lipman	Penas	Swenson
Anderson, I.	Dehler	Jennings	Mares	Rifenberg	Westrom
Bakk	Dorman	Johnson, J.	Marquart	Rukavina	Wolf
Blaine	Eastlund	Juhnke	Molnau	Ruth	Workman
Boudreau	Finseth	Kielkucki	Mulder	Seifert	Spk. Sviggum
Bradley	Gunther	Knoblach	Ness	Sertich	
Cassell	Haas	Kuisle	Nornes	Skoe	
Clark, J.	Hackbarth	Lieder	Olson	Solberg	
Daggett	Harder	Lindner	Osskopp	Stang	



Those who voted in the negative were:

Abeler	Erhardt	Howes	Leighton	Paulsen	Sykora
Abrams	Erickson	Huntley	Lenczewski	Pawlenty	Thompson
Bernardy	Evans	Jacobson	Leppik	Paymar	Tingelstad
Biernat	Folliard	Jaros	Mahoney	Pelowski	Tuma
Bishop	Fuller	Johnson, R.	Mariani	Peterson	Vandever
Buesgens	Gerlach	Johnson, S.	Marko	Pugh	Wagenius
Carlson	Gleason	Jordan	McElroy	Rhodes	Walker
Clark, K.	Goodno	Kahn	Milbert	Schumacher	Walz
Davnie	Goodwin	Kalis	Mullery	Seagren	Wasiluk
Dawkins	Gray	Kelliher	Murphy	Skoglund	Westerberg
Dempsey	Greiling	Koskinen	Opatz	Slawik	Wilkin
Dibble	Hilstrom	Krinkie	Osthoff	Smith	Winter
Dorn	Hilty	Kubly	Otremba	Stanek	
Entenza	Holsten	Larson	Ozment	Swapinski	

The motion did not prevail and the amendment to the amendment was not adopted.

S. F. No. 2932 was read for the third time.

#### MOTION FOR RECONSIDERATION

Gerlach moved that the action whereby S. F. No. 2932 was given its third reading be now reconsidered. The motion prevailed.

The question recurred on the Gerlach amendment to S. F. No. 2932. The motion prevailed and the amendment was adopted.

S. F. No. 2932, A bill for an act relating to the environment; encouraging citizen water quality monitoring; amending Minnesota Statutes 2000, section 115.06, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dorman	Goodno	Howes	Kelliher
Abrams	Cassell	Dorn	Goodwin	Huntley	Kielkucki
Anderson, B.	Clark, J.	Eastlund	Gray	Jacobson	Knoblach
Bakk	Clark, K.	Entenza	Greiling	Jaros	Koskinen
Bernardy	Daggett	Erhardt	Gunther	Johnson, J.	Krinkie
Biernat	Davids	Erickson	Haas	Johnson, R.	Kubly
Bishop	Davnie	Evans	Hackbarth	Johnson, S.	Larson
Blaine	Dawkins	Folliard	Hilstrom	Jordan	Leighton
Boudreau	Dehler	Fuller	Hilty	Juhnke	Lenczewski
Bradley	Dempsey	Gerlach	Holberg	Kahn	Leppik
Buesgens	Dibble	Gleason	Holsten	Kalis	Lieder

Lindner	Mullery	Paulsen	Ruth	Stang	Walz
Lipman	Murphy	Pawlenty	Schumacher	Swapinski	Wasiluk
Mahoney	Ness	Paymar	Seagren	Swenson	Westerberg
Mares	Nornes	Pelowski	Seifert	Sykora	Westrom
Mariani	Olson	Penas	Sertich	Thompson	Wilkin
Marko	Opatz	Peterson	Skoglund	Tingelstad	Winter
McElroy	Osskopp	Pugh	Slawik	Tuma	Wolf
Milbert	Osthoff	Rhodes	Smith	Vandever	Workman
Molnau	Otremba	Rifenberg	Solberg	Wagenius	Spk. Sviggum
Mulder	Ozment	Rukavina	Stanek	Walker	

Those who voted in the negative were:

Anderson, I.	Harder	Kuise	Skoe
Finseth	Jennings	Marquart	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2971, A bill for an act relating to state government; state procurement; codifying references relating to competitive bidding for building and construction contracts; amending Minnesota Statutes 2000, section 16C.25; proposing coding for new law in Minnesota Statutes, chapter 16C.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lenczewski	Paulsen	Swapinski
Abrams	Dorn	Holsten	Leppik	Pawlenty	Swenson
Anderson, B.	Eastlund	Howes	Lieder	Paymar	Sykora
Anderson, I.	Entenza	Huntley	Lindner	Pelowski	Thompson
Bakk	Erhardt	Jacobson	Lipman	Penas	Tingelstad
Bernardy	Erickson	Jaros	Mahoney	Peterson	Tuma
Biernat	Evans	Jennings	Mares	Pugh	Vandever
Bishop	Finseth	Johnson, J.	Marko	Rhodes	Wagenius
Blaine	Folliard	Johnson, R.	Marquart	Rifenberg	Walker
Boudreau	Fuller	Johnson, S.	Milbert	Rukavina	Walz
Bradley	Gerlach	Jordan	Molnau	Ruth	Wasiluk
Carlson	Gleason	Juhnke	Mulder	Schumacher	Westerberg
Cassell	Goodno	Kahn	Mullery	Seagren	Westrom
Clark, J.	Goodwin	Kalis	Murphy	Seifert	Wilkin
Clark, K.	Gray	Kelliher	Ness	Sertich	Winter
Daggett	Greiling	Kielkucki	Nornes	Skoe	Wolf
Davids	Gunther	Knoblach	Olson	Skoglund	Workman
Davnie	Haas	Koskinen	Opatz	Slawik	Spk. Sviggum
Dawkins	Hackbarth	Kubly	Osskopp	Smith	
Dehler	Harder	Kuise	Osthoff	Solberg	
Dempsey	Hilstrom	Larson	Otremba	Stanek	
Dibble	Hilty	Leighton	Ozment	Stang	

Those who voted in the negative were:

Buesgens                      Krinkie

The bill was passed and its title agreed to.

Goodno was excused for the remainder of today's session.

Dawkins was excused between the hours of 5:25 p.m. and 5:50 p.m.

S. F. No. 1072, A bill for an act relating to state government; designating the photograph "Grace" as the state photograph; proposing coding for new law in Minnesota Statutes, chapter 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holberg	Lieder	Pawlenty	Swenson
Abrams	Dibble	Holsten	Lindner	Pelowski	Sykora
Anderson, B.	Dorman	Howes	Lipman	Penas	Thompson
Anderson, I.	Dorn	Jacobson	Mares	Pugh	Tingelstad
Bakk	Eastlund	Jaros	Mariani	Rhodes	Tuma
Bernardy	Entenza	Jennings	Marquart	Rifenberg	Vandever
Biernat	Erhardt	Johnson, J.	Milbert	Rukavina	Walz
Bishop	Erickson	Johnson, R.	Molnau	Ruth	Wasiluk
Blaine	Evans	Johnson, S.	Mulder	Schumacher	Westerberg
Boudreau	Finseth	Jordan	Mullery	Seagren	Westrom
Bradley	Folliard	Juhnke	Murphy	Seifert	Wilkin
Buesgens	Fuller	Kahn	Ness	Sertich	Winter
Carlson	Gerlach	Kalis	Nornes	Skoe	Wolf
Cassell	Gleason	Kielkucki	Olson	Skoglund	Workman
Clark, J.	Goodwin	Knoblach	Opatz	Slawik	Spk. Sviggum
Clark, K.	Gray	Koskinen	Osskopp	Smith	
Daggett	Gunther	Kubly	Osthoff	Solberg	
Davids	Haas	Kuisle	Otremba	Stanek	
Davnie	Hackbarth	Larson	Ozment	Stang	
Dehler	Harder	Leppik	Paulsen	Swapinski	

Those who voted in the negative were:

Greiling	Huntley	Krinkie	Lenczewski	Marko	Peterson
Hilstrom	Kelliher	Leighton	Mahoney	Paymar	

The bill was passed and its title agreed to.

S. F. No. 2834, A bill for an act relating to Steele county; permitting the appointment of the county recorder.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 93 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hackbarth	Larson	Osthoff	Stang
Abrams	Dorman	Hilstrom	Lenczewski	Ozment	Swapinski
Anderson, I.	Dorn	Hilty	Leppik	Pelowski	Sykora
Bakk	Entenza	Howes	Lieder	Penas	Thompson
Bernardy	Erhardt	Huntley	Lindner	Peterson	Tingelstad
Biernat	Erickson	Jacobson	Mahoney	Pugh	Tuma
Bishop	Evans	Jaros	Mares	Rhodes	Wagenius
Boudreau	Folliard	Jennings	Mariani	Rukavina	Walker
Bradley	Fuller	Johnson, R.	Marko	Ruth	Walz
Carlson	Gerlach	Johnson, S.	McElroy	Schumacher	Westerberg
Cassell	Gleason	Jordan	Milbert	Seagren	Wilkin
Clark, K.	Goodwin	Kahn	Mullery	Sertich	Wolf
Daggett	Gray	Kalis	Murphy	Skoe	Spk. Sviggum
Davnie	Greiling	Kelliher	Ness	Skoglund	
Dehler	Gunther	Koskinen	Nornes	Solberg	
Dempsey	Haas	Kubly	Osskopp	Stanek	

Those who voted in the negative were:

Anderson, B.	Harder	Krinkie	Olson	Seifert	Winter
Blaine	Holberg	Kuisle	Opatz	Slawik	Workman
Buesgens	Holsten	Leighton	Otremba	Smith	
Clark, J.	Johnson, J.	Lipman	Paulsen	Swenson	
Davids	Juhnke	Marquart	Pawlenty	Vandever	
Eastlund	Kielkucki	Molnau	Paymar	Wasiluk	
Finseth	Knoblach	Mulder	Rifenberg	Westrom	

The bill was passed and its title agreed to.

H. F. No. 2882 was reported to the House.

Workman moved that H. F. No. 2882 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3258, A bill for an act relating to state lands; providing for a land exchange with city of Garfield.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Lenczewski	Otremba	Stanek
Abrams	Dorn	Howes	Leppik	Ozment	Stang
Anderson, B.	Eastlund	Huntley	Lieder	Paulsen	Swapinski
Anderson, I.	Entenza	Jacobson	Lindner	Pawlenty	Swenson
Bakk	Erhardt	Jaros	Lipman	Paymar	Sykora
Bernardy	Erickson	Jennings	Mahoney	Pelowski	Thompson
Biernat	Evans	Johnson, J.	Mares	Penas	Tingelstad
Bishop	Finseth	Johnson, R.	Mariani	Peterson	Tuma
Blaine	Folliard	Johnson, S.	Marko	Pugh	Vandever
Boudreau	Fuller	Jordan	Marquart	Rhodes	Wagenius
Bradley	Gerlach	Juhnke	McElroy	Rifenberg	Walker
Buesgens	Gleason	Kahn	Milbert	Rukavina	Walz
Carlson	Goodwin	Kalis	Molnau	Ruth	Wasiluk
Cassell	Gray	Kelliher	Mulder	Schumacher	Westerberg
Clark, J.	Greiling	Kielkucki	Mullery	Seagren	Westrom
Clark, K.	Gunther	Knoblach	Murphy	Seifert	Wilkin
Daggett	Haas	Koskinen	Ness	Sertich	Winter
Davids	Hackbarth	Krinkie	Nornes	Skoe	Wolf
Davnie	Harder	Kubly	Olson	Skoglund	Workman
Dehler	Hilstrom	Kuisle	Opatz	Slawik	Spk. Sviggum
Dempsey	Hilty	Larson	Osskopp	Smith	
Dibble	Holberg	Leighton	Osthoff	Solberg	

The bill was passed and its title agreed to.

The Speaker called Dempsey to the Chair.

Milbert was excused for the remainder of today's session.

S. F. No. 3154 was reported to the House.

Leighton offered an amendment to S. F. No. 3154.

#### POINT OF ORDER

McElroy raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Leighton amendment was not in order.

The Speaker resumed the Chair.

The Speaker ruled the point of order well taken and the Leighton amendment out of order.

Leighton appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 70 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Harder	Lindner	Pawlenty	Tingelstad
Abrams	Dempsey	Holberg	Lipman	Penas	Tuma
Anderson, B.	Dorman	Holsten	Mares	Rhodes	Vandever
Bishop	Eastlund	Howes	McElroy	Rifenberg	Walz
Blaine	Erhardt	Jacobson	Molnau	Ruth	Westerberg
Boudreau	Erickson	Johnson, J.	Mulder	Seagren	Westrom
Bradley	Finseth	Jordan	Ness	Seifert	Wilkin
Buesgens	Fuller	Kielkucki	Nornes	Smith	Wolf
Cassell	Gerlach	Knoblach	Olson	Stanek	Workman
Clark, J.	Gunther	Krinkie	Osskopp	Stang	Spk. Sviggum
Daggett	Haas	Kuisle	Ozment	Swenson	
Davids	Hackbarth	Leppik	Paulsen	Sykora	

Those who voted in the negative were:

Anderson, I.	Entenza	Jaros	Larson	Opatz	Skoe
Bakk	Evans	Jennings	Leighton	Osthoff	Skoglund
Bernardy	Folliard	Johnson, R.	Lenczewski	Otremba	Slawik
Biernat	Gleason	Johnson, S.	Lieder	Paymar	Solberg
Carlson	Goodwin	Juhnke	Mahoney	Pelowski	Swapinski
Clark, K.	Gray	Kahn	Mariani	Peterson	Thompson
Davnie	Greiling	Kalis	Marko	Pugh	Wagenius
Dawkins	Hilstrom	Kelliher	Marquart	Rukavina	Walker
Dibble	Hilty	Koskinen	Mullery	Schumacher	Wasiluk
Dorn	Huntly	Kubly	Murphy	Sertich	Winter

So it was the judgment of the House that the decision of the Speaker should stand.

Westrom moved to amend S. F. No. 3154 as follows:

Page 4, after line 5, after the period, insert "Seventy-two percent of any fine must be paid to the family or estate of the deceased employee."

A roll call was requested and properly seconded.

Entenza moved to amend the Westrom amendment to S. F. No. 3154 as follows:

Page 1, line 3, after "family" insert "of the injured" and delete the remainder of the line

Page 1, line 4, delete "deceased"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 111 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Howes	Larson	Otremba	Solberg
Anderson, B.	Dorn	Huntley	Leighton	Ozment	Stanek
Anderson, I.	Entenza	Jacobson	Lenczewski	Pawlenty	Stang
Bakk	Evans	Jaros	Leppik	Paymar	Swapinski
Bernardy	Finseth	Jennings	Lieder	Pelowski	Swenson
Biernat	Folliard	Johnson, J.	Mahoney	Penas	Thompson
Blaine	Fuller	Johnson, R.	Mares	Peterson	Tuma
Boudreau	Gleason	Johnson, S.	Mariani	Pugh	Vandever
Buesgens	Goodwin	Jordan	Marko	Rhodes	Wagenius
Carlson	Gray	Juhnke	Marquart	Rifenberg	Walker
Cassell	Greiling	Kahn	Molnau	Rukavina	Walz
Clark, J.	Gunther	Kalis	Mullery	Ruth	Wasiluk
Clark, K.	Haas	Kelliher	Murphy	Schumacher	Westerberg
Daggett	Hackbarth	Kielkucki	Ness	Seifert	Westrom
Davnie	Harder	Knoblach	Nornes	Sertich	Wilkin
Dawkins	Hilstrom	Koskinen	Olson	Skoe	Winter
Dehler	Hilty	Krinkie	Opatz	Skoglund	
Dempsey	Holberg	Kubly	Osskopp	Slawik	
Dibble	Holsten	Kuisle	Osthoff	Smith	

Those who voted in the negative were:

Abrams	Eastlund	Lindner	Paulsen	Wolf
Bishop	Erhardt	Lipman	Seagren	Workman
Bradley	Erickson	McElroy	Sykora	Spk. Sviggum
Davids	Gerlach	Mulder	Tingelstad	

The motion prevailed and the amendment to the amendment was adopted.

Holberg was excused for the remainder of today's session.

The question recurred on the Westrom amendment, as amended, and the roll was called. There were 106 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, J.	Evans	Hilty	Kielkucki	Mariani
Anderson, B.	Clark, K.	Finseth	Howes	Knoblach	Marko
Anderson, I.	Daggett	Folliard	Huntley	Koskinen	Marquart
Bakk	Davnie	Fuller	Jacobson	Krinkie	Mullery
Bernardy	Dawkins	Gleason	Jaros	Kubly	Murphy
Biernat	Dehler	Goodwin	Jennings	Kuisle	Ness
Bishop	Dempsey	Gray	Johnson, R.	Larson	Olson
Blaine	Dibble	Greiling	Johnson, S.	Leighton	Opatz
Boudreau	Dorman	Gunther	Jordan	Lenczewski	Osskopp
Buesgens	Dorn	Haas	Juhnke	Lieder	Osthoff
Carlson	Eastlund	Hackbarth	Kahn	Mahoney	Otremba
Cassell	Entenza	Hilstrom	Kelliher	Mares	Ozment

Pawlenty	Rhodes	Sertich	Stanek	Tuma	Westrom
Paymar	Rifenberg	Skoe	Stang	Vandever	Wilkin
Pelowski	Rukavina	Skoglund	Swapinski	Wagenius	Winter
Penas	Ruth	Slawik	Swenson	Walker	Workman
Peterson	Schumacher	Smith	Thompson	Walz	
Pugh	Seifert	Solberg	Tingelstad	Westerberg	

Those who voted in the negative were:

Abrams	Erickson	Johnson, J.	Lipman	Nornes	Wasiluk
Bradley	Gerlach	Kalis	McElroy	Paulsen	Wolf
Davids	Harder	Leppik	Molnau	Seagren	Spk. Sviggum
Erhardt	Holsten	Lindner	Mulder	Sykora	

The motion prevailed and the amendment, as amended, was adopted.

McElroy moved that S. F. No. 3154, as amended, be returned to the General Register. The motion prevailed.

S. F. No. 3174 was reported to the House.

McElroy moved to amend S. F. No. 3174 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3464, the first engrossment:

"Section 1. Minnesota Statutes 2001 Supplement, section 53B.05, subdivision 1, is amended to read:

Subdivision 1. [NET WORTH.] Each licensee engaging in money transmission at six or fewer locations in the state, either directly or through authorized delegates, must have a net worth of at least \$50,000. Each licensee under this chapter shall at all times have a net worth of not less than \$100,000, calculated in accordance with generally accepted accounting principles. Licensees engaging in money transmission at more than one location six locations in the state, either directly or through authorized delegates, shall have an additional a net worth of \$100,000 and an additional net worth of \$50,000 per for each location or authorized delegate located in the state in excess of seven, as applicable, to a maximum of \$500,000. Net worth shall be calculated in accordance with generally accepted accounting principles.

Sec. 2. Minnesota Statutes 2001 Supplement, section 53B.08, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] Each application must be accompanied by a surety bond, irrevocable letter of credit, or other similar security device acceptable to the commissioner in the amount of ~~\$50,000~~ \$25,000. If the applicant proposes to engage in business under this chapter at more than ~~one location~~ three locations, but less than seven locations, through authorized delegates or otherwise, then the amount of the security device must be increased ~~by \$10,000 per location, up to a maximum of \$250,000 to \$50,000. If the applicant proposes to engage in business under this chapter at more than six locations, through authorized delegates or otherwise, then the amount of the security device must be increased by \$50,000 for each location over six, up to a maximum of \$250,000.~~ The security device must be in a form satisfactory to the commissioner and must run to the state for the benefit of any claimants against the licensee to secure the faithful performance of the obligations of the licensee with respect to the receipt, handling, transmission, and payment of money in connection with the sale and issuance of payment instruments or



transmission of money. In the case of a bond, the aggregate liability of the surety in no event shall exceed the principal sum of the bond. Claimants against the licensee may themselves bring suit directly on the security device or the commissioner may bring suit on behalf of these claimants, either in one action or in successive actions.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

S. F. No. 3174, A bill for an act relating to commerce; creating a small business category under the Money Transmitter Act; modifying regulations; amending Minnesota Statutes 2001 Supplement, sections 53B.05, subdivision 1; 53B.08, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hilty	Leighton	Otremba	Stanek
Abrams	Dibble	Holsten	Lenczewski	Ozment	Stang
Anderson, B.	Dorman	Howes	Leppik	Paulsen	Swapinski
Anderson, I.	Dorn	Huntley	Lieder	Pawlenty	Swenson
Bakk	Eastlund	Jacobson	Lindner	Paymar	Sykora
Bernardy	Entenza	Jaros	Mahoney	Pelowski	Thompson
Biernat	Erhardt	Jennings	Mares	Penas	Tingelstad
Bishop	Evans	Johnson, J.	Mariani	Peterson	Tuma
Blaine	Folliard	Johnson, R.	Marko	Pugh	Vandever
Boudreau	Fuller	Johnson, S.	Marquart	Rhodes	Wagenius
Bradley	Gerlach	Jordan	McElroy	Rifenberg	Walker
Carlson	Gleason	Juhnke	Molnau	Rukavina	Walz
Cassell	Goodwin	Kahn	Mulder	Ruth	Wasiluk
Clark, J.	Gray	Kalis	Mullery	Schumacher	Westrom
Clark, K.	Greiling	Kelliher	Murphy	Seagren	Wilkin
Daggett	Gunther	Knoblach	Ness	Sertich	Winter
Davids	Haas	Koskinen	Nornes	Skoe	Wolf
Davnie	Hackbarth	Kubly	Olson	Skoglund	Workman
Dawkins	Harder	Kuisle	Opatz	Slawik	Spk. Sviggum
Dehler	Hilstrom	Larson	Osskopp	Solberg	

Those who voted in the negative were:

Buesgens	Finseth	Krinkie	Smith
Erickson	Kielkucki	Seifert	Westerberg

The bill was passed, as amended, and its title agreed to.

There being no objection, H. F. No. 2882, which was continued earlier today on the Calendar for the Day, was again reported to the House.

H. F. No. 2882, A bill for an act relating to traffic regulations; regulating the operation of electric personal assistive mobility devices on roadways and sidewalks; amending Minnesota Statutes 2000, sections 168.011, subdivision 4; 169.01, subdivision 3, by adding a subdivision; 171.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 105 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dempsey	Holsten	Lenczewski	Paulsen	Sykora
Anderson, I.	Dibble	Howes	Lieder	Pawlenty	Thompson
Bakk	Dorman	Huntley	Lindner	Pelowski	Tingelstad
Bernardy	Eastlund	Jacobson	Lipman	Pugh	Tuma
Biernat	Entenza	Jaros	Mares	Rifenberg	Vandever
Bishop	Erickson	Jennings	Marquart	Rukavina	Wagenius
Blaine	Evans	Johnson, J.	McElroy	Ruth	Walz
Boudreau	Fuller	Johnson, S.	Molnau	Schumacher	Wasiluk
Bradley	Gerlach	Jordan	Mulder	Seagren	Westerberg
Buesgens	Gleason	Juhnke	Mullery	Seifert	Westrom
Carlson	Goodwin	Kahn	Ness	Sertich	Wilkin
Cassell	Greiling	Kelliher	Nornes	Skoe	Winter
Clark, K.	Gunther	Kielkucki	Olson	Skoglund	Wolf
Daggett	Haas	Krinkie	Opatz	Solberg	Workman
Davids	Hackbarth	Kubly	Osskopp	Stanek	Spk. Sviggum
Davnie	Harder	Kuisle	Osthoff	Stang	
Dawkins	Hilstrom	Larson	Otremba	Swapinski	
Dehler	Hilty	Leighton	Ozment	Swenson	

Those who voted in the negative were:

Abeler	Erhardt	Kalis	Mahoney	Penas	Smith
Abrams	Finseth	Knoblach	Marko	Peterson	Walker
Clark, J.	Folliard	Koskinen	Murphy	Rhodes	
Dorn	Johnson, R.	Leppik	Paymar	Slawik	

The bill was passed and its title agreed to.

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Bishop moved that the names of Walz, Goodno, Blaine and Mulder be added as authors on H. F. No. 197. The motion prevailed.

Stanek moved that the name of Jordan be added as an author on H. F. No. 2622. The motion prevailed.

Stanek moved that his name be stricken as an author on H. F. No. 2818. The motion prevailed.

Pugh moved that his name be stricken as an author on H. F. No. 3011. The motion prevailed.

Milbert moved that his name be stricken as an author on H. F. No. 3011. The motion prevailed.

McElroy moved that the names of Clark, K., and Mariani be added as authors on H. F. No. 3464. The motion prevailed.

Bakk moved that his name be stricken as an author on H. F. No. 3498. The motion prevailed.

Daggett moved that the name of Jordan be added as an author on H. F. No. 3503. The motion prevailed.

Seifert moved that the name of Davnie be added as an author on H. F. No. 3691. The motion prevailed.

Pursuant to rule 4.30, Rukavina moved that H. F. No. 3436 be recalled from the Committee on Commerce, Jobs and Economic Development, be given its second reading, and be placed on the General Register.

A roll call was requested and properly seconded.

#### LAY ON THE TABLE

Seifert moved that the Rukavina motion be laid on the table.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Anderson, I., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dawkins	Haas	Kielkucki	Molnau	Rhodes
Abrams	Dehler	Hackbarth	Knoblach	Mulder	Rifenberg
Anderson, B.	Dempsey	Harder	Koskinen	Mullery	Rukavina
Anderson, I.	Dibble	Hilstrom	Krinkie	Murphy	Ruth
Bakk	Dorman	Hilty	Kubly	Ness	Schumacher
Bernardy	Dorn	Holsten	Kuisle	Nornes	Seagren
Biernat	Eastlund	Howes	Larson	Olson	Seifert
Bishop	Entenza	Huntley	Leighton	Opatz	Sertich
Blaine	Erhardt	Jacobson	Lenczewski	Osskopp	Skoe
Boudreau	Erickson	Jaros	Leppik	Osthoff	Skoglund
Bradley	Evans	Jennings	Lieder	Otremba	Slawik
Buesgens	Finseth	Johnson, J.	Lindner	Ozment	Smith
Carlson	Folliard	Johnson, R.	Lipman	Paulsen	Solberg
Cassell	Fuller	Johnson, S.	Mahoney	Pawlenty	Stanek
Clark, J.	Gerlach	Jordan	Mares	Paymar	Stang
Clark, K.	Goodwin	Juhnke	Mariani	Pelowski	Swapinski
Daggett	Gray	Kahn	Marko	Penas	Swenson
Davids	Greiling	Kalis	Marquart	Peterson	Sykora
Davnie	Gunther	Kelliher	McElroy	Pugh	Thompson

Tingelstad	Wagenius	Wasiluk	Wilkin	Workman
Tuma	Walker	Westerberg	Winter	Spk. Sviggum
Vandev eer	Walz	Westrom	Wolf	

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Seifert motion and the roll was called.

Rukavina moved that those not voting be excused from voting. The motion did not prevail.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 65 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Hackbarth	Lindner	Paulsen	Sykora
Abrams	Dehler	Harder	Lipman	Pawlenty	Tingelstad
Anderson, B.	Dorman	Holsten	Mares	Penas	Tuma
Bishop	Eastlund	Jacobson	McElroy	Rhodes	Vandev eer
Blaine	Erhardt	Johnson, J.	Molnau	Rifenberg	Walz
Boudreau	Erickson	Jordan	Mulder	Ruth	Westrom
Bradley	Finseth	Kielkucki	Ness	Seagren	Wilkin
Buesgens	Fuller	Knoblach	Nornes	Seifert	Wolf
Cassell	Gerlach	Krinkie	Olson	Stanek	Workman
Clark, J.	Gunther	Kuistle	Osskopp	Stang	Spk. Sviggum
Daggett	Haas	Leppik	Ozment	Swenson	

Those who voted in the negative were:

Anderson, I.	Entenza	Jennings	Lenczewski	Paymar	Solberg
Bakk	Evans	Johnson, R.	Lieder	Pelowski	Swapinski
Bernardy	Folliard	Johnson, S.	Mahoney	Peterson	Thompson
Biernat	Goodwin	Juhnke	Mariani	Pugh	Wagenius
Carlson	Gray	Kahn	Marko	Rukavina	Walker
Clark, K.	Greiling	Kalis	Marquart	Schumacher	Wasiluk
Davnie	Hilstrom	Kelliher	Mullery	Sertich	Westerberg
Dawkins	Hilty	Koskinen	Murphy	Skoe	Winter
Dempsey	Howes	Kubly	Opatz	Skoglund	
Dibble	Huntley	Larson	Osthoff	Slawik	
Dorn	Jaros	Leighton	Otremba	Smith	

The motion prevailed and the Rukavina motion was laid on the table.

#### ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:00 a.m., Tuesday, March 19, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Tuesday, March 19, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives